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Attorneys for Defendants

THE AMERICAN BOTTLING COMPANY;
DR PEPPER/SEVEN UP, INC.; KEURIG DR
PEPPER INC.; and TAYLOR MARCUS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO BELLO, an individual and
on behalf of all others similarly situated,

Plaintiff,

v.

THE AMERICAN BOTTLING
COMPANY, a Delaware corporation;
KEURIG DR PEPPER INC., a Delaware
corporation; TAYLOR MARCUS, an
individual; and DOES 1 through 100,
inclusive

Defendants.

Case No. 2:22-cv-01333-KJM-KJN

Assigned to Hon. Kimberly J. Mueller,
Courtroom 3

**JOINT STIPULATION TO
CONTINUE HEARING AND ALL
DEADLINES RELATED TO
DEFENDANTS' MOTION TO
COMPEL ARBITRATION;
ORDER**

[F.R.C.P. 6(b); Local Rule 144(a)]

[San Joaquin County Superior Court
Case No. STK-CV-UOE-2022-5279]

Complaint Filed: June 23, 2022
Removal Filed: July 27, 2022

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 144(a), Plaintiff Francisco Bello and Defendants The American Bottling Company; Keurig Dr Pepper Inc.; and Taylor Marcus (collectively with Plaintiff, the “Parties”), by and through their respective counsel, hereby stipulate as follows:

1. The Parties have agreed that it is in their mutual best interests to attempt an early resolution of the Action. Specifically, in an effort to avoid the time, cost, expense, burden, and frustration of litigation, and in the hope of informally resolving the Action without unnecessarily involving the Court, the Parties participated in a private mediation on February 3, 2023 with Deborah Saxe, Esq., a highly experienced wage and hour mediator. While the parties were unable to come to an agreement to resolve this Action during the mediation, the Parties are continuing settlement discussions through the mediator, and therefore, the Parties are requesting an extension to continue the hearing on Defendants’ Motion to Compel, Plaintiff’s deadline to file an Opposition to Defendants’ Motion Compel, and Defendant’s Reply.

2. On October 20, 2022, Defendants filed a Motion to Compel Arbitration; Dismiss under Rules 12(B)(1), 12(B)(3), and 12(B)(6), or Stay the Case Pending Arbitration (the “Motion”). Defendants noticed the Motion to be heard on February 17, 2023 at 10:00 a.m. in order to allow the Parties to focus their efforts toward resolving this Action through mediation, and not toward motion practice.

3. Pursuant to a previous stipulation, Plaintiff’s deadline to file an Opposition to Defendants’ Motion is currently set for March 10, 2023.

4. In order to promote judicial economy and efficiency, the Parties have agreed to continue the hearing on Defendants’ Motion to Compel to April 28, 2023 at 10:00 a.m., with Plaintiff’s deadline to file an Opposition to Defendants’ Motion to April 7, 2023, twenty-one (21) days before the Motion will be heard, and Defendant’s Reply to be filed April 17, 2023, ten (10) days following the filing of Plaintiff’s Opposition.

5. Therefore, for the good cause set forth above, the Parties respectfully request that the Court enter an Order continuing the hearing on Defendants’ Motion to

1 Compel Arbitration to April 28, 2023 at 10:00 a.m. and extending Plaintiff's deadline to
2 file an Opposition to April 7, 2023, and Defendant's Reply to be filed April 17, 2023,
3 ten (10) days following the filing of Plaintiff's Opposition.
4

5 DATED: February 23, 2023

Respectfully submitted,

6 SEYFARTH SHAW LLP

7 /s/ *Laura E. Heyne* (as authorized on

8 By: March 6, 2023

DANIEL C. WHANG

LAURA E. HEYNE

9 Attorneys for Defendants THE
10 AMERICAN BOTTLING COMPANY;
KEURIG DR PEPPER INC.; and
TAYLOR MARCUS

11 DATED: February 23, 2023

Respectfully submitted,

12 BIBIYAN LAW GROUP, P.C.
13

14 By: 

15 DAVID D. BIBIYAN

JEFFREY D. KLEIN

16 JOSHUA SHIRIAN

17 Attorneys for Plaintiff, FRANCISCO
18 BELLO, on behalf of himself and all others
similarly situated

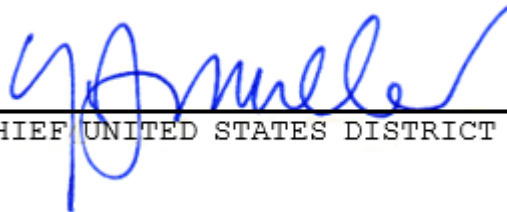
19 * Pursuant to Local Rule 131(e), all signatories listed, and on whose behalf this
20 Report is submitted, concur in the filing's content and have authorized the filing.
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ORDER

The Court has reviewed the Parties' Joint Stipulation to Continue Hearing And All Deadlines Related To Defendants' Motion To Compel Arbitration ("Motion"), and good cause appearing therefor, hereby GRANTS the Parties' request. The new hearing date on Defendants' Motion to Compel Arbitration is set for April 28, 2023 at 10:00 a.m. Further, Plaintiff's deadline to file an Opposition to Defendants' Motion is extended to April 7, 2023, which is twenty-one (21) days before the Motion is set to be heard, and Defendant's Reply is to be filed April 17, 2023 ten (10) days following the filing of Plaintiff's Opposition.

IT IS SO ORDERED.

Date: March 8, 2023



CHIEF UNITED STATES DISTRICT JUDGE